

## REMARKS

Claims 1 through 23 and 26 through 52 are in the application with claims 1 through 6, 10 through 13, 17 through 19, 21 through 23, 26 through 41, and 43 through 50 having been amended. Claims 1, 18, 26, 33, 40, 43, and 50 are the independent claims herein. No new matter is added as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

### Claim Rejections

Claims 1 through 23 and 26 through 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication 2003/0004798 ("McAuliffe") in view of U.S. Patent No. 6,167,383 ("Henson"). Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 26, 33, and 43

Amended independent claim 1 describes a method for online shopping comprising associating an online shopping cart with a consumer and associating a first item and a second item with the online shopping cart. The second item is not selected by the consumer for association with the shopping cart. The second item must be disassociated from the shopping cart to purchase the first item without purchasing the second item.

According to some embodiments of amended claim 1, and as described in the present application, a consumer may operate a web browser to access web pages provided by an online store. While accessing the web pages, the online store associates an online shopping cart with the consumer as shown at S1 of FIG. 1. The consumer selects an item from the online store's web pages to associate with the online shopping cart. In addition to the items selected by the consumer, one or more other items are associated with the online shopping cart as shown at S2 of FIG. 1. In some embodiments, the other items are associated with the shopping cart by the online store and not by the consumer. Moreover, the other items must be disassociated from the shopping cart to purchase the items selected by the consumer without purchasing the other items.

As a result of these features, merchants may sell more items to the consumer than would be sold using conventional systems.

The art of record is not seen to disclose or to suggest the above features of amended independent claim 1. In particular, the art of record is not seen to disclose or suggest associating a first item and a second item with a shopping cart, wherein the second item is not selected by a consumer for association with the shopping cart and must be disassociated from the shopping cart to purchase the first item without purchasing the second item.

Henson describes a method and apparatus for providing customer configured machines at an Internet site. Henson, at column 9 lines 40 through column 10 line 18 and FIG. 6, describes the use of merchandising messaging 100 which can be either passive or active. Passive messaging displays a message not necessarily directly connected at what is in the cart while active messaging provides recommendations based on the contents of the shopping cart. An example of merchandising messaging 100 is shown in FIG. 6. In FIG. 6, an advertisement suggests that the consumer “visit our online Software & Add-Ons catalog to shop...for software, peripherals, and networking products...” Both active and passive merchandising recommendations are provided from a database into the shopping cart and these merchandising messages 100 present an additional effort to advertise merchandise, services, or to further recommend items for the user to purchase prior to checkout by displaying the messages on the shopping cart web page 102 as shown in FIG. 6.

McAuliffe describes a method of offering an enticement to a consumer during a transaction where the enticement relates to the item being purchased. One or more enticement rules specify which enticement corresponds to the purchased item. Thus, when an item is purchased, a complementary item from a merchant’s inventory is selected by one or more enticement rules and the enticement is presented to the consumer. This enticement is an opportunity for the consumer to buy additional items that are complementary to the items being purchased.

Accordingly, neither Henson nor McAuliffe can be seen to disclose or to suggest associating a first item and a second item with a shopping cart, wherein the second item must be disassociated from the shopping cart to purchase the first item without purchasing the second item.

The remaining art of record has been reviewed and is not seen to remedy the foregoing deficiencies in Henson and McAuliffe. Therefore, the art of record, taken in any permissible combination, is not seen to disclose or to suggest associating a first item and a second item with a shopping cart, wherein the second item is not selected by a consumer for association with the shopping cart and must be disassociated from the shopping cart to purchase the first item without purchasing the second item.

In view of the foregoing, amended independent claim 1 is believed to be in condition for allowance. Claims 2 through 17 depend from claim 1 and are therefore also believed to be allowable for at least the foregoing reasons.

Amended independent claims 26, 33, and 43 relate to a method, a medium storing processor executable process steps, and an apparatus respectively, in which a first item and a second item are associated with a shopping cart, and wherein the second item must be disassociated from the shopping cart to purchase the first item without purchasing the second item. In view of the foregoing, independent claims 26, 33, and, 43 and their respective dependent claims are believed to be in condition for allowance.

#### Claims 18, 40, and 50

Amended independent claim 18 describes a method for online shopping including associating an online shopping cart with a consumer and associating a second item with the online shopping cart in response to a selection of a first item by the consumer. The second item is associated with the online shopping cart by an entity other than the consumer in response to the selection of the first item and must be disassociated from the shopping cart to purchase the first item without purchasing the second item.

Neither Henson nor McAuliffe, described above, can be seen to disclose or to suggest at least associating, by an entity other than a consumer, a second item with an online shopping cart in response to a selection of a first item by the consumer, wherein the second item must be disassociated from the shopping cart to purchase the first item without purchasing the second item.

The remaining art of record has been reviewed and is not seen to remedy the foregoing deficiencies in Henson and McAuliffe. Therefore, the art of record, taken in any permissible combination, is not seen to disclose or to suggest associating, by an entity other than a consumer,

a second item with an online shopping cart in response to a selection of a first item by the consumer, wherein the second item must be disassociated from the shopping cart to purchase the first item without purchasing the second item. In view of the foregoing, amended independent claim 18 is believed to be in condition for allowance. Claims 19 through 23 depend from claim 18 and are therefore also believe to be allowable for at least the foregoing reasons.

Amended independent claims 40 and 50 relate to a medium storing processor-executable process steps and an apparatus, respectfully, roughly corresponding to the method of claim 18. In view of the foregoing, independent claims 40 and 50 and their respective dependent claims are believed to be in condition for allowance.

## CONCLUSION

The outstanding Office Action presents a number of characterizations regarding the applied references, some of which are not directly addressed herein because they are not related to the rejections of the independent claims. Applicants do not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-4981.

Respectfully submitted,

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Date



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